

CITY COUNCIL AGENDA

JUNE 17, 2003

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
TERRY O. GREGORY
DAVID D. CORTESE
JUDY CHIRCO
PAT DANDO, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.ci.san-jose.ca.us/cty_clk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:33 a.m. - Closed Session, Room 600, City Hall
Council Members: Absent – None.

1:36 p.m. - Regular Session, Council Chambers, City Hall
Council Members: Absent – None.

7:03 p.m. - Public Hearings, Council Chambers, City Hall
Council Members: Absent – None.
- **Invocation (District 6)**
Reverend Steve Norman of Westminster Presbyterian Church delivered the Invocation.
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
Item 10.1 was considered in a Joint City Council/Redevelopment Agency Board session.

1 CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to Leo Shortino for his work and dedication to youth through the establishment of the Leo M. Shortino Family Foundation. (Chirco/Yeager) **Mayor Gonzales was joined at the podium by Council Members Chirco and Yeager to present a commendation to Leo Shortino for the work and dedication he has done for the youth of the City of San José, by establishing the Leo M. Shortino Family Foundation and contributing to the Kiwanis Turnaround Scholarship, which helps students from the East Side Union High School District achieve higher education. Leo Shortino thanked the Mayor, Council, and the Community of San José for the acknowledgements and commendation.**

1 CEREMONIAL ITEMS

- 1.2 Presentation of a commendation to Superintendent Joe Coto on the occasion of his retirement from the East Side Union High School District. (Cortese)

HEARD IN THE EVENING

Council Member Cortese joined Mayor Gonzales at the podium to present a commendation to Superintendent Joe Coto on the night of his retirement from the East Side Union High School District, he was commended for his achievements and dedication throughout his 14 years serving as Superintendent. Joe Coto thanked the Mayor and Council for the honor of the commendation and the support he had received from the City throughout the years.

- 1.3 Presentation of awards by the Santa Clara County Association of Realtors on behalf of the Northern California Housing Coalition to Julie Chen, Chetas Manjunath, Veronica Perez, and Justin Lim for their participation in the “What A Home Means to Me” Contest. (Chavez/Cortese)

HEARD IN THE EVENING

Mayor Gonzales was joined at the podium by Council Members Cortese and Chavez, Mike Donahoe and Paul Stewart of the Santa Clara County Association of Realtors to present awards on behalf of the Northern California Housing Coalition, to Julia Chen, Chetas Manjunath, Veronica Perez, and Justin Lim for winning the “What A Home Means to Me” contest.

- 1.4 Presentation of a commendation to the Santa Clara County Association of Realtors by the San José City Council for their *First-Time Home Buyer Programs* and their efforts towards connecting families with futures. (Chavez/Cortese)

HEARD IN THE EVENING

Council Members Cortese and Chavez joined Mayor Gonzales at the podium to present a commendation to Paul Stewart and Mike Donahoe from the Santa Clara County Association of Realtors for their efforts in assisting families and communities by establishing their “First Time Home Buyer” Programs. Mike Donahoe thanked the Mayor and Council for their support and commendation.

- 1.5 Presentation of a commendation to Leonard Myers in appreciation of the many hours he has contributed to our youth as coach for Oakridge Little League baseball for over 30 years. (Williams)

HEARD IN THE EVENING

Mayor Gonzales was joined at the podium by Council Member Williams to present Leonard Myers with a commendation for his 30 years of dedication and efforts he has contributed to the Oakridge Little League organization, serving throughout the years as umpire, groundskeeper and coach for the Pirates baseball team. Leonard Myers thanked the Mayor and Council for the commendation and stated he has enjoyed working with the league throughout the years and hopes the City of San José continues their ongoing support of Little League organizations.

1 CEREMONIAL ITEMS

- 1.6 Presentation of a commendation to the Supporters of the Las Isabelas Mother's Day Walk Against Breast Cancer. (Campos/Chavez)
(Rules Committee referral 6/11/03)

HEARD IN THE EVENING

Mayor Gonzales was joined at the podium by Council Members Campos and Chavez to present commendations to Anthony Ho of ROEM Corp, Jim Shore of California Prosecutor's Association, and Charles Davidson of Charles Davidson and Company, for their support of the Las Isabelas Mother's Day Walk Against Breast Cancer and helping to raise over \$50,000 towards raising awareness of Breast Cancer.

- 1.7 Presentation of commendations to the two Steam Rollers Power Soccer Teams, two wheelchair soccer teams who competed at the National Championships in Birmingham, AL. The Division One team placed second, and the Division Two team won the National Championship. (LeZotte)
(Rules Committee referral 6/11/03)

HEARD IN THE EVENING

Mayor Gonzales was joined at the podium by Council Member LeZotte to present commendations to the Steam Rollers Power Soccer Team, Jonathan Drennan, Malcolm Welch, Jerry Book, Chris Faria, Edwin Geer, Edward Tiu, Keith Armbrust, Scot Briody, Shira Leeder, Greg Anderson, and their Coaching team, Bill Schaefer, Adam Elix, Jim Underhill, and Melissa Taylor for competing in the National Championships in Birmingham, Alabama and to the Division One team for placing second and the Division Two team for winning the National Championships. Chris Faria thanked the Mayor and Council for their support and commendations.

- 1.8 Presentation of a commendation to the winners of the San Jose/Silicon Valley Business Journal "Most Influential Women of 2003," Brenna Bolger of PRx, Inc., Joyce Taylor of SBC, Kyung Yoon of Heidrick and Struggles, Mayrles Casto of Casto Travel, Susan Black of Greater Bay Bancorp, and Jaqueline Woods of Oracle. (Campos/Chavez)
(Orders of the Day)

HEARD IN THE EVENING

Council Members Campos and Chavez joined Mayor Gonzales at the podium to present Brenna Bolger of PRX, Inc, Joyce Taylor of SBC, Kyung Yoon of Heidrick and Struggles, Mayrles Casto of Casto Travel, Susan Black of Greater Bancorp, and Jaqueline Woods of Oracles with commendations for winning the San José/Silicon Valley Business Journal "Most Influential Women of 2003" awards, and for their achievements and contributions to San José, as well as Silicon Valley.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of October 15, 2002
- (b) Joint City Council/Redevelopment Agency Board meeting of October 15, 2002
- (c) Joint City Council/San José Financing Authority meeting of October 15, 2002

The Regular City Council, Joint City Council/Redevelopment Agency Board, and Joint City Council/San José Financing Authority meetings of October 15, 2002 were approved.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26910 – Rezones certain real property situated on the east side of Cypress Avenue, 110 feet northerly of Adra Avenue to Planned Development Zoning District. PDC 03-019

Ordinance No. 26910 approved.

- (b) ORD. NO. 26911 – Rezones certain real property situated at the north side of East Taylor Street, approximately 120 feet northeasterly of North Third Street. C 03-014

Ordinance No. 26911 approved.

2.3 Approval of a minor amendment to the Airport Master Plan.

Recommendation: Adoption of a resolution approving a minor amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport to:

- (a) Use up to five acres of the existing vacant Airport parcel north of Hwy. 101 for interim construction staging, and
- (b) Change the designated location of future airline maintenance/equipment storage facilities from a six-acre site on the northeast side of the Airport to a six-acre site at the southeast corner of the Airport.

CEQA: Resolution Nos. 67380 and 71451, PP 03-05-159. (Airport)

Resolution No. 71611 adopted.

2.4 Approval of an ordinance related to the Federal Local Law Enforcement Block Grant Fund.

Recommendation: Approval of an ordinance amending Chapter 4.80 of Title 4 of the San José Municipal Code to add a new part to establish a Federal Local Law Enforcement Block Grant (LLEBG) Fund for the following purposes:

- (a) To collect and deposit all monies received by the City from the federal government related to the Federal Local Law Enforcement Block Grant Fund; and
- (b) To ensure the Federal Local Law Enforcement Block Grant expenditures are spent within grant guidelines.

CEQA: Exempt, PP03-06-207. (City Manager's Office)

Ordinance No. 26917 passed for publication.

2 CONSENT CALENDAR

2.5 Approval to amend the agreement for advanced regulatory analysis for the Water Pollution Control Plant.

Recommendation: Approval of a first amendment to the agreement for consultant services for Advanced Regulatory Analysis for the San José/Santa Clara Pollution Control Plant with Eisenberg, Olivieri & Associates Inc. (EOA), to extend the contract by four years, from December 31, 2003 to December 31, 2007, and increase compensation by \$200,000 from \$99,000, for a total amount not to exceed \$299,000. CEQA: Not a Project. (Environmental Services)

Approved.

2.6 Approval to amend an agreement for construction management services at the Water Pollution Control Plant.

Recommendation: Approval of a first amendment to the agreement with Harris & Associates for Capital Improvement Program construction management services at the San José/Santa Clara Water Pollution Control Plant, extending the term of the agreement by 20 months, from June 30, 2003 to February 28, 2005, at no additional cost to the City. CEQA: Not a Project. (Environmental Services)

Approved.

2.7 Approval to amend the agreement for the City's Payroll System (Phase II).

Recommendation: Approval of a first amendment to the agreement with Implementation Resources, Inc. for consultant services related to Phase II of the City's Employee Services/Payroll System to provide implementation expertise on the implementation of expanding electronic time reporting and exception time reporting, and to increase compensation by \$95,000, for a total cost of \$175,000, and to extend the agreement term through January 31, 2004. CEQA: Not a Project. (Finance/Information Technology/Employee Services)

Approved.

Staff directed to provide an informational report pertaining to the results of implementing Phase 2 of the City's Payroll System.

2.8 Approval to purchase citywide insurance policies for FY 2003-04.

Recommendation:

- (a) Approval of purchase of citywide insurance policies for the period July 1, 2003 to September 30, 2004, in an amount not to exceed \$3,700,000.

Approved.

- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute modifications to the insurance provisions of agreements with Penske and/or with ShuttlePort with respect to the Airport Shuttle buses.

CEQA: Not a project. (Finance)

Resolution No. 71612 adopted.

2 CONSENT CALENDAR

2.9 Approval to amend and extend the City's Master Repurchase Agreements.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute the second amendments to the City of San José Master Repurchase Agreements for Banc of America Securities, LLC, First Tennessee Bank, UBS Financial Services, Inc., Union Bank of California, N.A., and Zions First National Bank to extend the terms of the agreements to June 30, 2006, to authorize the Director of Finance to further extend the terms of the agreements in additional 3-year increments, and to update the list of City staff authorized to execute transactions on behalf of the City. CEQA: Not a Project. (Finance)

Resolution No. 71613 adopted.

2.10 Approval of the revised Investment Policy.

Recommendation: Adoption of a resolution approving the City's Investment Policy, including certain revisions thereto. (Finance)

Resolution No. 71614 adopted.

2.11 Approval to negotiate an agreement for the Library Café.

Recommendation: Adoption of a resolution authorizing to City Manager to negotiate and execute an agreement with San José State University and Spartan Shops for operation of the Library Café. CEQA: Not a Project. (Library)

Resolution No. 71615 adopted.

2.12 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation:

- (a) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2002-2003 #34, and authorization for the Director of General Services to execute the purchase orders. CEQA: Exempt, PP03-04-111.
- (b) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2002-2003 #35 and authorization for the Director of General Services to execute the purchase orders. CEQA: Not a Project.

(General Services)

Approved.

Staff directed to include within future memoranda sent to Council, information regarding the type of public outreach used to solicit quotations and bids for the projects.

2 CONSENT CALENDAR

2.13 Report on the RFQ for the rehabilitation of clarifier tanks at the Water Pollution Control Plant.

Recommendation: Report on Request for Quotation for coating and rehabilitation of clarifier tanks and approval of award to the low price quote, Certified Coatings of California (Concord, CA) for a total cost of \$259,000 including tax and freight, and authorize the Director of General Services to execute the service order. (General Services)
Approved.

2.14 Approval to reject bids for the purchase of fire air support apparatus tanks.

Recommendation: Approval to reject all bids for the purchase of two fire air support apparatus and authorization for the Director of General Services to re-solicit bids.
CEQA: Not a Project. (General Services)
Approved.

2.15 Approval to purchase traffic emitters and switches.

Recommendation: Report on bids and award the purchase of 95 emitters and 95 switches to the lowest responsive bidder, Advanced Traffic Products, Inc. (Everett, WA), in the amount of \$113,121.25, including tax, and authorization for the Director of General Services to execute the purchase order and subsequent purchase(s) of additional emitters and switches at the same bid price without further Council action other than the appropriation of necessary funds, for a maximum period of twelve months from the date of Council approval. CEQA: Not a Project. (General Services)
Approved.

2.16 Approval of various actions related to Our House/City Year Youth Facility.

Recommendation: Adoption of a resolution approving a conditional grant in an amount not to exceed \$1,035,000 from the 20% Low- and Moderate-Income Housing Fund to the Emergency Housing Consortium, or its designated affiliate, for the construction and permanent financing of the Our House/City Year Youth Facility, located at the northeast corner of East William and South Third Streets. CEQA: Exempt, PP03-06-197. District 3. SNI: University. (Housing)
Resolution No. 71616 adopted.

2.17 Approval of the reorganization of Amos No. 33.

Recommendation: Adoption of a resolution authorizing the reorganization of territory designated as Amos No. 33, which involves the annexation to the City of San José of approximately 2.5 acres, located on the north side of Quimby Road, approximately 300 feet easterly of Mission Greens Drive, and the detachment of the same from Central Fire Protection, Santa Clara Valley County Water, and Santa Clara County Library Services. CEQA: Mitigated Negative Declaration, PDC03-010. Council District 8. (Planning, Building and Code Enforcement)
Resolution No. 71617 adopted.

2 CONSENT CALENDAR

2.18 Approval of FY 2003-2004 San José Library Benefit Assessment District Annual Report.

Recommendation: Adoption of a resolution approving, confirming, and adopting the City of San José Library Benefit Assessment District Annual Report for Fiscal Year 2003-2004 and levying the assessments. CEQA: Resolution No. 65459, PP03-06-204. (Public Works/Library)

Resolution No. 71618 adopted.

2.19 Approval of intention to vacate Mill Street west of Hope Street.

Recommendation: Adoption of a resolution of intention to vacate Mill Street west of Hope Street, and setting a public hearing on August 12, 2003 at 1:30 p.m. CEQA: Exempt, PP03-02-044. Council District 4. (Public Works)

Resolution No. 71619 adopted.

2.20 Approval to award a contract for the Payne Avenue Sidewalk Project.

Recommendation: Report on bids and award of contract for the Payne Avenue Sidewalk - Eden Avenue to Winchester Blvd. Project to the low bidder, OC Jones and Sons Incorporated, in the amount of \$162,984, and approval of a contingency in the amount of \$25,000. CEQA: Exempt, PP00-10-143. Council District 1. SNI: Winchester. (Public Works)

Approved.

2.21 Approval to award contracts for street light installations.

Recommendation:

- (a) Report on bids and award of contract for the Street Light Crackdown 2003 to the low bidder, Pacific Electric Company, in the amount \$137,031, and approval of a contingency in the amount of \$13,700. CEQA: Exempt, PP01-02-023. Council Districts 1, 3, 5, and 7. SNI: Winchester, University, Washington/ Guadalupe, East Valley/680 Communities, and Rocksprings/Tully/Senter/Santee/ Kennedy. (Public Works)
- (b) Report on bids and award of contract for the Street Lights Strong Neighborhoods 2003 Project to the low bidder, Pacific Electric Company, in the amount of \$147,401, and approval of a contingency in the amount of \$14,700. CEQA: Exempt, PP01-02-023. Council District 2, 3, and 7. SNI: Washington, Edenvale/Great Oaks. (Public Works)

Approved.

Staff directed to provide a list of streetlight requests that were rejected for the Street Light Crackdown and Street Light Strong Neighborhoods 2003 projects.

2 CONSENT CALENDAR

2.22 Approval to award a contract for the Basking Ridge Park Tot Lot Development Project.

Recommendation: Report on bids and award of contract for the Basking Ridge Park Tot Lot Development Project to the low bidder, Bellicitti & Pellicciotti, to include the base bid and Add Alternate Nos. 1 and 2, in the amount of \$140,630, and approval of a contingency in the amount of \$7,000. CEQA: Exempt, PP02-12-364. Council District 2. (Public Works)

Approved.

2.23 Approval to amend the agreement for the Tully Road Multi-Use Facility Project.

Recommendation: Approval of the first amendment to the agreement with David L. Gates and Associates Inc. for landscape architectural consultant services for the Tully Road Multi-Use Facility Project extending the term from June 30, 2003 to September 1, 2004, increasing compensation by \$88,373, for a total amount not to exceed \$398,648 and expanding the scope of services. CEQA: Mitigated Negative Declaration, PP02-04-080. Council District 7. (Public Works)

Approved.

2.24 Approval of various actions for the Eden Avenue Traffic Management Project.

Recommendation: Report on bids and award of contract for the Eden Avenue Traffic Management Project to the low bidder, OC Jones and Sons, in the amount of \$586,750, and approval of a contingency in the amount of \$30,000. CEQA: Exempt, PP03-01-019. Council District 1. SNI: Winchester. (Public Works)

Approved.

2.25 Approval to award a contract for the Julian-Sunol Sanitary Sewer Rehabilitation Project (Phase III).

Recommendation: Report on bids and award of contract for the Julian-Sunol Sanitary Sewer Rehabilitation Phase III Project to the lowest responsive bidder, California Trenchless, Inc., in the amount of \$1,041,440, and approval of a contingency in the amount of \$104,500. CEQA: Exempt, PP02-03-049. Council District 3. (Public Works)

Deferred to 6/24/03.

2 CONSENT CALENDAR

2.26 Approval of the FY 2003-2004 Annual Budget Reports for various Maintenance Districts.

Recommendation: Adoption of resolutions approving, confirming, and adopting the Annual Budget Reports for Fiscal Year 2003-04 and levying the assessments for the following City of San José Maintenance Districts: 1 (Los Paseos), 2 (Trade Zone Blvd. - Lundy Ave.), 5 (Orchard Pkwy. - Plumeria Dr.) , 8 (Zanker - Montague), 9 (Santa Teresa - Great Oaks) , 11 (Brokaw Rd. from Junction Ave. to Old Oakland Rd.), 13 (Karina - O'Nel), 15 (Silver Creek Valley), 18 (The Meadowlands), 19 (River Oaks Area Landscaping), 20 (Renaissance - North First Landscaping), 21 (Gateway Pl. - Airport Pkwy.), and 22 (Hellyer Ave. - Silver Creek Valley Rd.). CEQA: Resolution No. 65459, PP03-06-205. Council Districts 2, 3, 4, and 8. (Public Works)

Resolution Nos. 71620, 71621, 71622, 71623, 71624, 71625, 71626, 71627, 71628, 71629, 71630, 71631, 71632 were adopted.

2.27 Approval of an agreement for the GIS Layers Project.

Recommendation: Approval of an agreement with MRF Geosystems Corporation for consultant services for a Spatial Adjustment of Street Centerline, Parcel and Related GIS Layers Project in an amount not to exceed \$660,000, for an agreement term from the date of execution to June 30, 2004. CEQA: Not a Project. (Public Works)

Approved.

Staff directed to provide the completion date of the GIS Layer Project contract.

2.28 Approval of an ordinance related to incentive pay for Anti-Terrorist Training.

Recommendation: Approval of an ordinance amending Section 3.28.030.05 of Chapter 3.28 of the San José Municipal Code to include incentive pay for Anti-Terrorist Training in the definition of Compensation for purposes of calculation of retirement benefits in the Federated City Employees' Retirement System. CEQA: Exempt, PP03-05-173. (Retirement Services)

Ordinance No. 26918 passed for publication.

2.29 Approval to negotiate an agreement related to School Radar Speed Display Signs.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an un-metered service agreement with the Pacific Gas and Electric Co. (PG&E) to supply power to School Radar Speed Display Signs, in an amount not to exceed \$1,600 per year. CEQA: Exempt, PP02-11-327. (Transportation)

Resolution No. 71633 adopted.

2 CONSENT CALENDAR

2.30 Approval of an ordinance to prohibit commercial vehicles in excess of five tons on certain streets.

Recommendation: Approval of an ordinance amending section 11.96.070 of Chapter 11.96 of Title 11 of the Municipal Code to add a prohibition of commercial vehicles in excess of five tons on the following streets:

- (a) Fifth Street, between Hedding Street and Taylor Street.
- (b) Sixth Street, between Hedding Street and Taylor Street.
- (c) Mission Street, between Fourth Street and Seventh Street.

CEQA: Exempt, PP03-05-184. Council District 3. (Transportation)

Ordinance No. 26919 passed for publication.

2.31 Adoption of a resolution re-establishing the speed limit on Grand Boulevard.

Recommendation: Adoption of a resolution to rescind Resolution No. 71447 related to the establishment of speed limits in the City of San José, and to establish the speed limits in the City of San José, including re-establishing the speed limit on Grand Boulevard, between First Street and Los Esteros Road, from 35 MPH to 30 MPH. CEQA: Exempt, PP03-05-185. Council District 4. (Transportation)

Resolution No. 71634 adopted.

2.32 Approval of agreement, as to form, for Convention Center Utility Services Agreement.

Recommendation: Approval of agreement as to form, for Convention Center Utility Services Agreement. (Conventions, Arts and Entertainment)
(Rules Committee referral 6/11/03)

Deferred to 6/24/03.

2.33 Approval of an amendment to the San José Municipal Code establishing a Housing Trust Fund.

Recommendation: Approval of an ordinance amending Chapter 4.80 of Title 4 of the San José Municipal Code by establishing a Housing Trust Fund. CEQA: Exempt, PP03-06-217. (Housing)

(Rules Committee referral 6/11/03)

Ordinance No. 26920 passed for publication.

2 CONSENT CALENDAR

2.34 Approval of various actions related to Housing Opportunities for People with AIDS (HOPWA).

Recommendation: Adoption of a resolution authorizing the Director of Housing to negotiate and execute:

- (a) A termination of Housing Opportunities for People With AIDS (HOPWA) and Housing Opportunities for People With AIDS Special Projects of National Significance (HOPWA SPNS) agreements with AIDS Resource, Information & Services (ARIS) pursuant to Section 15 of the contract, and;
- (b) A first amendment to the agreement with Health Connections to increase the HOPWA and HOPWA SPNS awards.

CEQA: Not a Project. (Housing)
(Rules Committee referral 6/11/03)

Resolution No. 71635 adopted.

2.35 Approval of various fiscal actions related to the South Central (Fair) Swim Center.

Recommendation:

- (a) Increase the project contingency budget for the Fair Swim Center by \$20,000, from \$465,000 to \$485,000.

Approved.

- (b) Adoption of the following appropriation ordinance amendments in the Council District 7 Construction and Conveyance Tax Fund:
 - (1) Increase the appropriation for Fair Swim Center: Furnishings, Fixtures and Equipment by \$107,000.
 - (2) Increase the appropriation for Fair Swim Center by \$150,000.
 - (3) Decrease the Ending Fund Balance by \$257,000.

CEQA: Negative Declaration, PP00-10-148. Council District 7. (Parks, Recreation and Neighborhood Services/Public Works/City Manager's Office)
(Rules Committee referral 6/11/03)

Ordinance No. 26921 adopted.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair No Report.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee

Vice Mayor Dando, Chair

Meeting of June 4, 2003

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review June 17, 2003 Draft Agenda
The Committee recommended approval of the June 17, 2003 City Council agenda with six additions.
 - (2) Add New Items to June 10, 2003 Amended Agenda
The Committee recommended three additions to the June 10, 2003 City Council agenda.
 - (3) List of Reports Outstanding
There were no reports outstanding for the June 20, 2003 City Council agenda.
- (c) Legislative Update
 - (1) State
 - (a) Approval of staff recommendations on four State legislative bills:
AB 792 (Yee) Vehicles: Removal: Storage
ACA 9 (Levine) Local Government Taxation: Special Taxes:
Voter Approval
ACA 11 (Levine) Local Government: General Obligation Bonds,
Infrastructure Projects
SCA 11 (Alarcon) Local Government: Special Taxes and General
Obligation Bonds; Infrastructure Projects
**The Committee approved the staff recommendations of
“Support” on each bill and directed staff to forward updated
information on ACA 9 (Levine) as it becomes available prior to
the June 17, 2003 Council meeting. The Committee noted and
filed Assistant City Manager Linder’s report.**
 - (2) Federal
There was no report.
- (d) Meeting Schedules
There were none.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – Meeting of June 4, 2003 (Cont'd.)

Vice Mayor Dando, Chair

- (e) The Public Record

The Committee referred Item (a), (a letter from Jerome Pierce regarding the efforts of the Christian Congregation of Jehovah's Witnesses to hold a convention at the HP Pavillion), to the City Attorney to return to Rules Committee on June 18, 2003 with an assessment of the City's existing policy as to what qualifies as a community event, and how the policy might affect the allocation of grant funds to religious groups. The Committee noted and filed the Public Record.

- (f) Boards, Commissions and Committees

There were none.

- (g) Council Referrals for Assignment to Administration or Council Appointee

There were none.

- (h) Administrative Reviews and Approval

There were none.

- (i) Oral communications

None were presented.

- (j) Adjournment

The meeting adjourned at 2:35 P.M.

Meeting of June 11, 2003

- (c) Legislative Update

- (1) State

- (a) Recommend adoption of a position in regard to Senate Bill 60 (Cedillo), Vehicles: Social Security Account Number: Drivers Licenses: Identification Cards
(Council Referral 6/10/03 – Item 3.6)

SEE ITEM 3.8 FOR COUNCIL ACTION TO BE TAKEN

Assistant Police Chief Tom Wheatley explained the staff recommendation to take “no position” on SB 60. Carrie Sanders, Policy Director for SIREN (Services, Immigrant Rights & Education Network), spoke in support of SB 60. The Committee forwarded this item to Council with no recommendation.

The Rules Committee Report and Actions of June 4, 2003 and June 11, 2003 were accepted.

3.3 Report of the Making Government Work Better Committee

Council Member Campos, Chair

No Report.

3 STRATEGIC SUPPORT SERVICES

3.4 Approval of various actions for FY2002-2003.

Recommendation: Adoption of amendments to the annual appropriation ordinance and funding sources resolution for various operating and capital funds to reflect estimated FY 2002-2003 revenue receipts, expenses, and encumbrances. CEQA: Not a Project. (City Manager's Office)

Deferred to 6/24/03.

3.5 Approval of a resolution taking actions with respect to the City's 2003-2004 "Gann Limit".

Recommendation: Adoption of a resolution taking the following actions with respect to the City's 2003-2004 "Gann Limit":

- (a) Elect the per capita income index as the inflation factor for 2003-2004 on a provisional basis, with the option to adjust the Limit, if necessary, once the assessment data is available from the County Assessor; and
- (b) Elect the City population growth index as the population factor for 2003-2004; and
- (c) Establish the Fiscal Year 2003-2004 Appropriation Limit at \$588,298,425 in compliance with Article XIIIB of the State Constitution.

CEQA: Not a Project. (City Manager's Office)

Dropped – Renumbered to 3.9(c)

3.6 Approval to extend Hayes Mansion Lease and Line of Credit Agreements.

Recommendation: Adoption of a resolution by the City Council authorizing the City Manager to negotiate and execute amendments to the Line of Credit Agreement and the Third Amended and Restated Lease Agreement with Hayes Renaissance, L.P. (HRLP), extending availability and repayment of advances under the Line of Credit Agreement, and deferral of rent and repayment of deferred rent and outstanding line of credit loans, to a date not later than December 31, 2003. The proposed amendment to the Lease is subject to the approval of Comerica Bank. CEQA: Negative Declaration.

(Finance/Economic Development/City Manager's Office)

Deferred to 6/24/03.

3.7 Naming of Public Facilities.

Recommendation: Recommendation of the Historic Landmarks Commission to name the Fox Theatre at 345 South First Street "California Theatre." (Historic Landmarks Commission/City Clerk)

The naming of the "California Theatre" was approved.

3 STRATEGIC SUPPORT SERVICES

3.8 Recommend adoption of a position in regard to Senate Bill 60 (Cedillo)

Recommendation: Recommend adoption of a position in regard to Senate Bill 60 (Cedillo). (Cortese)
(Deferred from 6/10/03 – Item 3.6)

Council approved Council Member Cortese' memorandum, dated June 16, 2003, recommending adoption of a position of support for Senate Bill 60 (Cedillo). Noes: Dando, Reed.

3.9 Approval of various budget actions for Fiscal Year 2003-2004.

Recommendation:

- (a) Adoption of the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2003-2004 and the Manager's Final Budget Addendum.

Ordinance No. 26916 adopted.

- (b) Adoption of the Annual Funding Sources Resolution for Fiscal Year 2003-2004 and the Manager's Final Budget Addendum.

Resolution No. 71608 adopted.

- (c) Adoption of a resolution in compliance with Article XIII B of the Constitution of the State of California and as modified by Proposition 111 and SB 99 electing the population and inflation factors and establishing the Fiscal Year 2003-2004 Appropriation Limit.

Renumbered from 3.5

CEQA: Not a Project. (City Manager's Office)

Heard first on the Agenda and concurrently with Item 10.1

Resolution No. 71609 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee

Council Member Chavez, Chair

No Report.

4.2 Report of the Driving a Strong Economy Committee – May 29, 2003

Council Member Williams, Chair

- (a) Policy Discussion on Current City Policies/Programs that Provide Opportunities to Small Businesses

The Committee accepted the staff report.

- (b) Discussion on How to Coordinate (Market) Workforce Investment Act within the City's Economic Recovery Strategy

The Committee accepted the staff report.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.2 Report of the Driving a Strong Economy Committee – May 29, 2003 (Cont'd.) Council Member Williams, Chair

- (c) Mayfair Neighborhood Acquisition/Rehabilitation Pilot Program
The Committee accepted the staff report.
- (d) Policy discussion on the Homeless Strategy
The Committee accepted staff's request for deferral to June 23, 2003.
- (e) Convention Center Recovery Strategy
The Committee accepted the staff report.
- (f) Oral petitions– **None.**
- (g) Adjournment
The meeting adjourned at 3:03 p.m.

The Driving a Strong Economy Committee Report and Actions of May 29, 2003 were accepted.

4.3 Public Hearings and approval of three Business Improvement District's assessments for 2003-2004.

Recommendation:

- (a) PUBLIC HEARING and adoption of a resolution to:
 - (1) Approve the Downtown Business Improvement District's budget report for 2003-2004, as filed or as modified by City Council
 - (2) Levy the increased Downtown Business Improvement District's annual assessments for 2003-2004.

CEQA: Exempt, PP 03-05-165. Council District 3. SNI: St. James Square; University; Josefa/Auzerais; Burbank/Del Monte. (Economic Development)
The Public Hearing was held and Resolution No. 71636 adopted.
- (b) PUBLIC HEARING and adoption of a resolution to:
 - (1) Approve the Willow Glen Business Improvement District's budget report for 2003-2004, as filed or as modified by City Council.
 - (2) Levy the Willow Glen Business Improvement District's annual assessments for 2003-2004.

CEQA: Exempt, PP 03-05-165. Council District 6. (Economic Development)
The Public Hearing was held and Resolution No. 71637 adopted.
- (c) PUBLIC HEARING and adoption of a resolution to:
 - (1) Approve the Japantown Business Improvement District's budget report for 2003-2004, as filed or as modified by City Council.
 - (2) Levy the Japantown Business Improvement District's annual assessments for 2003-2004.

CEQA: Exempt, PP 03-05-165. Council District 3. SNI: 13th Street. (Economic Development)
The Public Hearing was held and Resolution No. 71638 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Approval of various actions related to the Workforce Investment Act Program and Projects for 2003-2004.

Recommendation: Adoption of a resolution authorizing the City Manager to:

- (a) Negotiate and execute all contracts, amendments, agreements, leases, subleases, and memos of understanding with contractors and vendors providing services to the Workforce Investment Act Program including, but not limited to novations or assignments, vendor training contracts, case management contracts, consultant contracts, memorandums of understanding required with Mandatory Partners for the use of One Stop facilities, and cities and the unincorporated area of Santa Clara County whose residents receive service under the WIA Program for the period July 1, 2003 to June 30, 2004 in accordance with procurement procedures and requirements mandated by the State and Federal governments for Workforce Investment Act grant recipients and with established City procurement procedures and requirements, that have been reviewed and approved by the SVWIN Executive Committee and/or the SVWIN Board.
- (b) Amend Council approved agreements that have been reviewed and approved by the SVWIN Executive Committee and/or the SVWIN Board so long as moneys have been appropriated and there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expenses of the agreement.
- (c) Negotiate and execute all remaining vendor training agreements with vendors who provided services to clients of SVWIN during the Fiscal Year 2001-2002 in anticipation of a vendor training agreement.
- (d) Negotiate and execute all grants and sub grant agreements for discretionary funding applied for and approved by the SVWIN Board for the period from July 1, 2003 to June 30, 2004.

CEQA: Not a Project. (Economic Development)

Resolution No. 71639 adopted.

4.5 Public Hearing and approval of actions related to Branham Lane Family Apartments.

Recommendation: Public Hearing and adoption of a resolution approving a Disposition and Development Agreement (DDA) between the City of San José and JSM Enterprises (JSM), or an affiliated entity, for the development of the Branham Lane Family Apartments, a 175-unit development on a 5.05-acre City-owned property, located on the northeast corner of Branham Lane and Monterey Highway. CEQA: Mitigated Negative Declaration, PDC 02-033. Council District 2. (Housing)

Continued to 6/24/03.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.6 Approval of various actions related to Housing Revenue Bonds for Cinnabar Commons.

Recommendation: Adoption of a resolution of the City Council:

- (a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds designated as "City of San José Multifamily Housing Revenue Bonds (Cinnabar Commons) Series 2003C" in an aggregate principal amount not to exceed \$25,900,000 (the "Bonds");
- (b) Approving a loan of bond proceeds to Cinnabar Commons, L.P., a California limited partnership, for financing the construction of the Cinnabar Commons Project located at 891-945 Cinnabar Street in San Jose;
- (c) Approving in substantially final form the Bonds, Trust Indenture, Financing Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, Intercreditor Agreement, Bond Purchase Agreement and Official Statement; and
- (d) Authorizing the Director of Finance and Director of Housing to execute and, as appropriate, to negotiate, execute, and deliver these documents and other related documents as necessary.
- (e) Approving a modification to the interest rate for the previously approved City loan to Cinnabar Commons, L.P.

CEQA: Resolution No. 71174, PDC 01-038. Council District 6. (Finance/Housing)
Deferred to 6/24/03.

4.7 Approval of various actions related to Housing Revenue Bonds for The Oaks of Almaden Apartments Development.

Recommendation: Adoption of a resolution of the City Council:

- (a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds designated as "City of San José Multifamily Housing Revenue Bonds (The Oaks of Almaden Apartments Project) Series 2003B" in an aggregate principal amount not to exceed \$8,350,000 (the "Bonds") to be issued and delivered in two sub-series designated as Series 2003B-1 in the original principal amount of \$4,350,000 and as Series 2003B-2 in the original principal amount of \$4,000,000;
- (b) Approving a loan of bond proceeds to The Oaks of Almaden, L.P., a California limited partnership, for financing the construction of The Oaks of Almaden to be located at 5050 Russo Drive in San José;
- (c) Approving in substantially final form the Bonds, Trust Indenture, Financing Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, the Bond Purchase Agreement, Mortgage Note, and the Assignment of Mortgage Loan; and
- (d) Authorizing the Director of Finance and Director of Housing to execute and, as appropriate, to negotiate, execute, and deliver these documents and other related documents as necessary.

CEQA: Negative Declaration, PDCSH 02-032. Council District 6. (Finance/Housing)
Resolution No. 71640 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.8 Approval of various actions related to the Community Facilities District #10 (Hassler - Silver Creek).

Recommendation: Adoption of a resolution of the City Council:

- (a) Authorizing the issuance and sale of special tax bonds for Community Facilities District #10 (Hassler - Silver Creek) in an aggregate principal amount not to exceed \$15,000,000, to be sold on a competitive basis.
- (b) Approving the form of and authorizing the execution of the Fiscal Agent Agreement and certain other related financing documents, and directing and authorizing certain other related actions.
- (c) Approving the form and authorizing the use of the Official Statement in connection with the competitive sale of bonds, and directing and authorizing certain other related actions.

CEQA: Resolution No. 64913, PP02-11-347. Council District 8. (Finance/Public Works)
(Deferred from 6/10/03 – Item 4.3)

Resolution No. 71641 adopted.

4.9 Discussion of the City's current prohibition of the combined uses of gasoline service stations and the retail sale of food, grocery items, and alcoholic beverages.

Recommendation: Discussion and direction to the Administration and the City Attorney's Office regarding possible revision to the City's current prohibition of the combined uses of gasoline service stations and the retail sale of food, grocery items, and alcoholic beverages contained at Section 20.80.550 of Title 20 of the San José Municipal Code. (City Attorney's Office)

(Rules Committee referral 6/11/03)

Deferred to 8/26/03.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair No Report.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee – June 2, 2003 Council Member Cortese, Chair

- (a) Expansion and Improvement of Transit and Transportation Systems
 - (1) Report and Discussion on the Construction Impact Mitigation Plan
The Committee accepted the report with the staff direction to include recommendations in the next draft of the CIMP, incorporate Council Member Cortese's memorandum, and come back to the August meeting after the outreach has been complete.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee – June 2, 2003 (Cont'd.) Council Member Cortese, Chair

- (2) Report and Recommendations on BART Project
The Committee accepted the report.
 - (3) Update of Highway 101 Interchange Corridor study
The Committee accepted the report.
- (b) Traffic Relief/Safe Streets
 - (1) Pavement Management Program
The Committee accepted the report.
- (c) Supporting Smart Growth
 - (1) Presentation and Discussion of Transportation Level of Service (LOS) policy revision
The Committee accepted the report.
- (d) Regional Relationships/Funding Policy
 - (1) State, Federal, and Local Legislative Update
The Committee received the written status report.
- (e) Oral petitions
None.
- (f) Adjournment
The Committee was adjourned at 3:45 p.m.

Staff directed that upon return of the Report on the Construction Impact Mitigation Plan, they review the conditions required on both small and large projects and the impacts on local businesses.

The Building Better Transportation Committee Report and Actions of June 2, 2003 were accepted.

6.2 Approval of various actions related to Street Smarts public education traffic safety campaign.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a second amendment to the agreement for consultant services between the City of San José and Liquid Agency, Inc. for continued implementation of the Street Smarts public education program for pedestrian and motorist safety to extend the term of the agreement to September 30, 2004, in an amount not to exceed \$250,000. CEQA: Not a Project. (Transportation/Police)
Deferred to 6/24/03.

6 TRANSPORTATION SERVICES

6.3 Approval to award a contract for the 2002-03 Street Resurfacing Project SNI Areas.

Recommendation: Report on bids and award of contract for the 2002-03 Street Resurfacing Project SNI Areas to the low bidder, Top Grade Construction, Inc., in the amount of \$1,947,275.15, and approval of a contingency in the amount of \$97,000. CEQA: Exempt, PP 03-03-075. Council Districts 2, 3, 5, 6, and 10. SNI: Thirteenth Street, Five Wounds/Brookwood Terrace, Great Oaks/Edenvale, East Valley/680 communities, Burbank/Delmonste. (Public Works)

Approved.

Staff directed to provide the Pavement Management Index (PMI) ratings for the two non-SNI streets listed within the contract.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of various actions related to the sanitary sewer and water service at Los Esteros Ranch development and BFI sites.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute:
 - (1) An agreement with the City of Milpitas related to sanitary sewer service for the Los Esteros Ranch development and the BFI sites located in the vicinity of McCarthy Ranch Boulevard and Dixon Landing Road (McCarthy/Dixon area), covering a term of 20 years, automatically renewable for additional terms of five years each unless terminated by one of the cities on at least two years prior notice, at a base year cost to San José of \$3,600 annually for the discharge of up to 75,000 gallons per day; and
 - (2) An agreement with the City of Milpitas for the purchase up to 50,000 gallons per day of domestic water from the City of Milpitas to serve the Los Esteros Ranch development and the BFI sites, covering a term of 20 years, at a base year price to San José of \$2.33 per hundred cubic feet; and
 - (3) Amendments to the sanitary agreements with Milpitas related to sanitary sewer and water service for the Los Esteros Ranch development and the BFI sites, to allow sanitary sewer and water service to be extended as other developments are approved in the McCarthy/ Dixon area, at the rates and charges provided for the Los Esteros development so long as the capacity limits set forth in the original agreement are not exceeded; and
 - (4) An agreement with Los Esteros Ranch and BFI, releasing San José from any liability associated with the provision of sanitary sewer or water service to the properties located in the McCarthy/Dixon area, and requiring the property owners to notify Milpitas of pending applications for development approval and to acknowledge their obligation to construct replacement facilities if the Milpitas/San José agreement is terminated; and

(This item continued on next page.)

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of various actions related to the sanitary sewer and water service at Los Esteros Ranch development and BFI sites. (Cont'd.)

Recommendation:

- (5) Release agreements with other property owners that will receive sanitary sewer and/or water service in the future for approved developments in the McCarthy/Dixon area, and authorizing connection permits to be issued to properties which execute the required release agreements.

Resolution No. 71642 adopted. Disqualified: Reed.

- (b) Adoption of a resolution amending Resolution No. 65466 to establish the McCarthy/Dixon Zone of the Alviso Service Area of the Municipal Water System, and to adopt potable water rates for customers in McCarthy/Dixon Zone that are indexed to the rates charged to San Jose for potable water supplied by the City of Milpitas and authorizing connection permits to be issued to properties which execute the required release agreements.

CEQA: Resolution No. 65459, PP 03-05-174. Council District 4. (Public Works/Environmental Services)

Resolution No. 71643 adopted. Disqualified: Reed.

8 AVIATION SERVICES

8.1 Approval of various actions related to the Airport's Relocation of the Cargo Ramp Security and Taxiway Improvements Project.

Recommendation:

- (a) Report on bids and award of contract for the Norman Y. Mineta San José International Airport - Cargo Ramp Security and Taxiway Improvements Project to the low bidder, R & L Brosamer, Inc., in the amount of \$9,664,860, and approval of a contingency in the amount of \$966,000.

Approved.

- (b) Approval to designate the Norman Y. Mineta San José International Airport - Relocation of the Cargo Ramp Security and Taxiway Improvements Project as a project subject to the terms of the San José International Airport Master Plan Project Labor Agreement.

Approved.

- (c) Adoption of the following appropriation ordinance amendments in the Airport Revenue Bond Improvement Fund:

- (1) Establish the Cargo Ramp Security and Taxiway Improvements appropriation in the amount of \$13,228,000.

- (2) Decrease the Airport Security Improvement Reserve by \$13,228,000.

CEQA: Resolution Nos. 67380 and 71451, PP03-04-136. (Public Works/City Manager's Office)

Ordinance No. 26922 adopted.

9 PUBLIC SAFETY SERVICES

9.1 Approval of various actions related to an ordinance to enhance fire safety during construction of large wood-frame buildings.

Recommendation:

- (a) Approval of staff's recommendation related to an ordinance and administrative guidelines to enhance fire safety during construction of large wood-frame buildings; and
- (b) Direction to the City Attorney's Office to draft the ordinance and return it to Council for approval of the ordinance within 90 days.

CEQA: Exempt, PP03-06-212. (Planning, Building and Code Enforcement/Fire)

Deferred to 6/24/03.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened to consider Item 10.1 in a Joint Session at 1:45 P.M.

10.1 Adoption of resolutions pertaining to the FY 2002-2003 Revenues and Budgets, the FY 2003-2004 Capital Budget, and the Five Year 2004-2008 Capital Improvement Program (CIP).

Recommendation: Adoption of resolutions by the City Council and Agency Board pertaining to the Agency's annual budgets, CIP, and public improvements, follows:

- (a) Adoption of a resolution by the Agency Board approving amendments to the FY 2002-2003 Revenue and Appropriations Resolutions to reflect various modifications to the FY 2002-2003 Revenues and Operating and Capital Budgets; and,
Agency Resolution No. 5412 adopted.
- (b) Adoption by the Agency Board of the FY 2003-2004 Revenue and Appropriations Resolutions for the Operating and Capital Budgets and authorization for the Executive Director to rebudget FY 2002-2003 remaining project appropriation balances for on-going projects/programs previously approved by the Agency Board; and,
Agency Resolution Nos. 5413 and 5414 adopted.
- (c) Adoption of a resolution by the Agency Board making certain determinations regarding the expenditure of Agency funds to eradicate graffiti; and,
Agency Resolution No. 5415 adopted.
- (d) Adoption of a resolution by the City Council making certain determinations regarding the expenditure of Agency funds on public improvements specified in the FY 2003-2004 Capital Budget; and,

CEQA: Resolution No. 65459, PP03-06-199. (Redevelopment Agency)

Heard first on the agenda and concurrently with Item 3.9

Resolution No. 71610 adopted.

The Redevelopment Agency Board portion of the meeting adjourned at 1:49 P.M.

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9458	Southwest corner of Branham Lane and Vista Park Drive	10	Summer Hill Homes	78 units	SFD	Approve
9489	N of Julian Street between 2 nd St. and 3 rd St.	3	San José Lofts, LLC	62 Units	Condo	Approve

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9490	Southerly terminus of Hampton Falls Place, 360 feet south of Branham Lane	10	Richard Henry	4 units	SFA

- Open Forum—
Ross Signorino spoke on downtown business issues.

11 PUBLIC HEARINGS

(Heard by the City Council at 7:03 p.m.)

11.1 Public Hearing on the street renaming of a portion of Branham Lane East.

Recommendation: PUBLIC HEARING ON THE STREET RENAMING of a portion of Branham Lane East, between Hellyer Avenue and Coyote Creek, to Embedded Way. (City of San José, Owner; Linux Works, Developer). CEQA: Resolution No. 65459, ST03-002. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

ST 03-002 - District 2

Ordinance No. 71644 passed for publication.

11.2 Public Hearing on appeal of the Planning Commission's decision to deny a Conditional Use Permit and ABC Exception.

Recommendation: PUBLIC HEARING ON APPEAL of the Planning Commission's decision to deny a Conditional Use Permit and ABC Exception for a project located on the east side of North Capitol Avenue, approximately 1,200 feet northerly of McKee Road, on a 8.39 gross acre site in the CG Commercial Zoning District. The proposed project is the off-sale of alcohol at an existing Target Retail Store. (Target Corporation, Owner/Developer). CEQA: Exempt.

CP 03-002 & ABC 03-002 - District 5

Continued to 8/19/03.

11.3 Public Hearing on appeal of the Planning Commission's decision to approve a Conditional Use Permit.

Recommendation: PUBLIC HEARING ON APPEAL of the Planning Commission's decision to approve, with standard and special conditions, a Conditional Use Permit to allow an addition to an existing public utility facility (San José Water Company) located on the northwest corner of San Tomas Expressway and Williams Road in the R-1-8 Residence Zoning District on a 17 acre site. The proposed addition consists of two settling ponds and three storage bins for temporary storage of excavated soil, asphalt, concrete, and base rock. (San José Water Company, Owner/Developer). CEQA: Exempt, CP03-009. Director of Planning, Building and Code Enforcement recommends upholding the decision of the Planning Commission to approve.

CP 03-009 - District 1

Continued to 08/19/03.

11 PUBLIC HEARINGS

11.4 Public Hearing on conforming planned development rezoning of the property located at McKean Road and Bailey Avenue.

Recommendation: PUBLIC HEARING ON CONFORMING PLANNED DEVELOPMENT REZONING of the property located at the east side of McKean Road, approximately 5,500 feet south of Bailey Avenue, from R-1-1 Residence District to A(PD) Planned Development Zoning District, to allow up to 2 single-family detached residences on a 88.98 gross acre site. (North First Street Properties, Owner). CEQA: Mitigated Negative Declaration, PDC02-107. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.
PDC 02-107 - District 10

(Continued from 6/3/03 – Item 11.6)

Ordinance No. 26923 passed for publication.

Staff directed to provide clarification on issues regarding the fees and services for water and sewage, and the identification of ridge lines for housing projects.

11.5 Public Hearing on planned development prezoning and rezoning of the property located at 4600, 4601, and 4609 Hyland Avenue, and 4609 Alum Rock Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT PREZONING and REZONING of the property located at the west side of Alum Rock Avenue, approximately 200 feet northerly of Marian Lane (4600, 4601, and 4609 Hyland Avenue, and 4609 Alum Rock Avenue), from Unincorporated County and A-Agricultural Zoning District to A(PD) Planned Development Zoning District, to allow religious assembly and school uses on 8.21 gross acres. (Roman Catholic Welfare Corp. of San José and the Roman Catholic Bishop of San José, Owner/Developer). CEQA: Mitigated Negative Declaration, PDC01-082. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).
PDC 01-082 - District 5

Ordinance No. 26924 passed for publication.

11 PUBLIC HEARINGS

11.6 Public Hearing on planned development rezoning of the property located at Keyes and 12th Streets.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT

REZONING of the property located at the southeast corner of Keyes and 12th Streets, from CN Neighborhood Commercial and R-2 Two-Family Residence District to A(PD) Planned Development Zoning District, to allow up to 82 multi-family attached residences and up to 2,500 square feet of retail space on a 1.64 gross acre site. (City of San José, Owner; ROEM Corporation, Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). PDC 03-018 - District 3

Ordinance No. 26925 passed for publication.

Council approved Council Member Chavez' memorandum, dated June 17, 2003, recommending approval of the Staff recommendation with the following direction:

- (1) Allow development of 79-units with retail component, consistent with latest ROEM proposal.**
- (2) Increase the number of parking spaces by up to 8-spaces by utilizing more tandem spaces.**
- (3) Incorporate traffic calming features consistent with Department of Transportation (DoT)**

Recommendation and the SNI Priority Items, including:

- (a) Bulbouts/neckdowns at the corner of 12th and Keyes Streets.**
- (b) Speed humps along Humboldt Street.**
- (c) Accept a contribution of up to \$100,000 of off-site improvements outlined below towards the neighborhood approved Keyes Street traffic calming and pedestrian corridor plan at key intersections and adjacent sidewalks to achieve improved pedestrian access to Kelly Park, the future Coyote Creek Trail, bus stops, and the project.**
- (4) Design exterior lighting to enhance safety of public areas while limiting spillage into adjacent properties.**
- (5) Rebuild the wall along the southern property line.**
- (6) Incorporate a construction mitigation plan that:**
 - (a) Includes a condition stating that the developers and their subcontractors shall try their best professional effort to avoid using 7th, 10th, and 11th Street between 280 and Keyes.**
- (7) Accept payment of the PDO fees by the San José Redevelopment Agency with the pulling of Building Permits, consistent with the requirement placed upon market rate developments.**

11 PUBLIC HEARINGS

11.7 Public Hearing on planned development rezoning of the property located at 1532 Willowbrae Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT

REZONING of the property located at the southeast corner of Willowbrae Avenue and Willow Oaks Drive (1532 Willowbrae Ave.), from R-1-8 Residence District to A(PD) Planned Development Zoning District, to allow up to 21 single-family detached residential units and an expansion to an existing religious assembly facility, from 11,159 square feet to 23,414 square feet resulting in a net increase of 12,255 square feet, on a 4.0 gross acre site. (Congregation Sinai of San José, Owner; Congregation Sinai of San José, The Riding Group, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-1-0). PDC 02-073 - District 6

Ordinance No. 26926 passed for publication.

11.8 Public Hearing on conforming rezoning of the property located at 454 Keyes Street.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located at the southeast corner of Keyes Street and South Tenth Street (454 Keyes Street), from CN Neighborhood Commercial District to CP Commercial Pedestrian District, to allow retail/commercial uses on a 0.47 gross acre site. (Ha Dung and Huynh Kieu, Owner). CEQA: Resolution No. 65459, C03-026. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. C 03-026 - District 3

Ordinance No. 26927 passed for publication.

Council approved Council Member Chavez' memorandum, dated June 17, 2003, recommending approval of the Staff recommendation with the following direction:

- (1) Review the site development plan with the Strong Neighborhood Initiative (SNI) NAC**
- (2) Insure development is consistent with goals of the Council Approved Spartan Keyes SNI Plan.**

In addition, Staff directed to discuss the strategy of developing an arts district within the conforming rezoning with neighborhood community.

11.9 Public Hearing on conforming rezoning of the property located at 821 S. 1st Street.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located at the west side of South 1st Street, approximately 150 feet southerly of East Virginia Street (821 S. 1st Street), from LI Light Industrial Zoning District to CP Pedestrian Commercial Zoning District, to allow commercial uses on a 0.11 gross acre site. (Hoady Family LLC, Owner). CEQA: Resolution No. 65459, C03-030. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. C 03-030 - District 3

Ordinance No. 26928 passed for publication.

11 PUBLIC HEARINGS

11.10 Public Hearing on conforming prezoning of the property located at Meridian Way and Pedro Street.

Recommendation: PUBLIC HEARING ON CONFORMING PREZONING of the property located at the east side of Meridian Way, 300 feet northerly of Pedro Street, from County to R-M Multiple Residence District, to allow residential uses on a 0.36 gross acre site. (Daniel Gluhaich, Marrad Group Inc., Owner). CEQA: Resolution No. 65459, C03-037. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 03-037 - District 6

Ordinance No. 26929 passed for publication.

11.11 Public Hearing on planned development rezoning of the property located at 5601 Silver Creek Valley Road.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the west side of Silver Creek Valley Road, approximately 640 feet northeasterly of Bel Aire Hills Drive (5601 Silver Creek Valley Rd.), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow an increase of up to 1,400 square feet to an existing 60,300 square foot shopping mall (Canyon Creek Plaza), for commercial uses on 8.3 gross acres. (Canyon Creek Plaza, LP, Ed Abelite, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 03-001 – District 8

Ordinance No. 26930 passed for publication.

11.12 Public Hearing on planned development rezoning of the property located at Quimby Road and Ruby Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the south side of Quimby Road, approximately 1,700 feet easterly of Ruby Avenue, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow up to 45 single-family detached residences on a 13.0 gross acre site. (East Side Union High School District, Owner). CEQA: Reuse of Evergreen Specific Plan EIR Resolution No. 63179. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 03-009 - District 8

Ordinance No. 26931 passed for publication.

11 PUBLIC HEARINGS

11.13 Public Hearing on planned development rezoning of the property located at 598 W. San Carlos Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT

REZONING of the property located at the southeast corner of West San Carlos Street and Bird Avenue (598 W. San Carlos St.), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow up to 123 affordable multi-family attached residences and up to 6,000 square feet of commercial uses on a 0.8 gross acre site. (Teachers Academy Foundation, Owner; Core Development, Mr. David Neale, Developer). CEQA: Addendum to EIR Resolution No. 68839. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). PDC 03-016- District 3

Ordinance No. 26932 passed for publication.

Council approved Council Member Chavez' memorandum, dated June 17, 2003, recommending approval of the Staff recommendation with the following direction:

- (1) Incorporate all of the changes proposed by the Core Development in response to neighborhood concerns, including:**
 - (a) Set back of top 3 stories along Columbia.**
 - (b) Additional set back achieved at west end of Columbia through "notching of top floor".**
 - (c) New patio conditions of the ground floor residential along Columbia.**
 - (d) New patio treatment of community Room.**
 - (e) Refinements to corner element that integrate stronger window treatments.**
 - (f) Improvements to retail eaves.**
 - (g) Security fencing for buffer area along the western edge of the building.**
- (2) Continue to work with the Delmas Park NAC through the PD Permit phase to address the following items:**
 - (a) Tightening the radius of the Bird/San Carlos corner consistent with the Council approved Delmas Park Strong Neighborhoods Initiative Plan.**
 - (b) Traffic Calming along Columbia and at the intersection of Columbia and Josefa (which could include speed humps, neck downs, median islands, and/or traffic diverters).**
 - (c) Implementation of Car Share, Flexcar, or a similar car sharing arrangement.**
 - (d) Color schemes and further design refinements.**
- (3) Accept payment of the PDO fees by the San José Redevelopment Agency with the pulling of Building Permits, consistent with the requirement placed upon market rate developments.**

11 PUBLIC HEARINGS

11.14 Public Hearing on planned development rezoning of the property located at 605 W. Capitol Expressway.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT

REZONING of the property located at the northwest corner of Capitol Expressway and Timberloop Drive (605 W. Capitol Expwy), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow up to 1,500 square feet of drive-through commercial use (Starbucks) on an 11.87 gross acre site. (Credit Suisse Leasing 92A LP, Owner). CEQA: Addendum to Waterford EIR Resolution No. 64433. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 03-017 - District 10

Ordinance No. 26933 passed for publication.

11.15 Public Hearing on conforming planned development rezoning of the property located at 98 Balbach Street.

Recommendation: PUBLIC HEARING ON CONFORMING PLANNED

DEVELOPMENT REZONING of the property located at the south side of Balbach Street, approximately 200 feet west of South Market Street (98 Balbach St.), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow up to 14 multi-family attached residences on a 0.40 gross acre site. (Nolan Desmond A et al., Owner). CEQA: Resolution No. 68839, PDC03-028. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

PDC 03-028 - District 3

Ordinance No. 26934 passed for publication.

Council approved Council Member Chavez' memorandum, dated June 17, 2003, recommending approval of PDC03-018 consistent with Staff recommendations

11.16 Public Hearing on conforming rezoning of the property located at 1118 Nevada Avenue.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located at the south side of Nevada Avenue, approximately 500 feet westerly of Lincoln Avenue (1118 Nevada Ave.), from A(PD) Planned Development Zoning District to R-1-8 Residence District, to allow residential uses on a 0.56 gross acre site. (Joesten William F and Lois J Trustee, Owner). CEQA: Resolution No. 65459, C03-033. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 03-033 - District 6

Ordinance No. 26935 passed for publication.

11 PUBLIC HEARINGS

11.17 Public Hearing on Director-initiated conventional conforming rezoning of the property located at 451 North 5th Street.

Recommendation: PUBLIC HEARING ON DIRECTOR-INITIATED CONVENTIONAL CONFORMING REZONING of the property located at the west side of North 5th Street, approximately 390 feet southerly of East Empire Street (451 North 5th Street), from LI Light Industrial Zoning District to R-2 Residence Zoning District, to allow residential uses (reinstatement of a single family residence) on 0.15 gross acre. (Saeid Pourabdollah, Owner/Developer). CEQA: 2020 General Plan EIR Resolution No. 59459. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

C 03-044 - District 3

Ordinance No. 26936 passed for publication.

- Open Forum
 - (1) Allen Zeng spoke on human rights issues.
 - (2) Farris Johnson spoke on budgetary issues.

- Adjournment

The Council of the City of San José adjourned at 8:18 P.M.